

No. 11(112)-3Lab-78/9395.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Frick India Ltd., Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 308 of 1978

between

SHRI SATVINDER SINGH, WORKMAN AND THE MANAGEMENT OF M/S FRICK INDIA
LIMITED, FARIDABAD

Present :—

Shri Bhim Singh Yadav, for the workman.

Shri R. Gogna, for the management.

AWARD

By order No. ID/FD/87-78/35053, dated the 28th July, 1978, the Governor of Haryana, referred the following dispute between the management of M/s Frick India Limited, Faridabad and its workman Shri Satvinder Singh, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Satvinder Singh was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared. The representative for the management stated that the workman has left the factory after receiving all his dues settling his account fully and finally. He showed to the Tribunal the vouchers witnessing payment to the workman. He also moved an application to answer the reference in accordance with the settlement and receipt witnessing payment to the workman. The representative for the workman admitted the settlement.

I, therefore, answer the reference and give my award in terms of the settlement that the termination of services of the workman concerned was justified and in order. He is not entitled to any relief as he has settled his dispute and has received all his dues and claims.

Dated 9th October, 1978.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 919, dated the 12th October, 1978

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11(112)-3 Lab-78/9396.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s. West Patent Press (P) Ltd., Panipat.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 19 of 1977

between

THE WORKMEN AND THE MANAGEMENT OF M/S WEST PATENT PRESS
(P) LTD., PANIPAT.

Present.—

Shri Raghbir Singh, for the workmen.

Nemo, for the management.

AWARD

By order No. ID/KNL/1-74/17210, dated 22nd June, 1974 the Governor of Haryana, referred the following dispute between the management of M/S West Patent Press (P.) Ltd., Panipat and its workmen to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

- (1) Whether the workers whose names are given below, were locked out or whether they absented themselves from duty in the factory?
- (2) If it was lock out, whether the lock out was justified or not?
- (3) If the lock out was not justified to what relief the workmen are entitled?

Names of workmen.—(1) Charau, (2) Mewa Lal, (3) Ram Dhiraj, (4) Ram Vichar, (5) Arjan Singh, (6) Ram Avadh, (7) Hosla Prashad, (8) Ram Khelapan, (9) Ram Singh, (10) Ram Karan, (11) Gobind, (12) Sudesh Kumar, (13) Ram Parshad Pal, (14) Chhedi Lal Pal, (15) Ram Ishlok, (16) Shiv Sagar, (17) Sukhdev, (18) Vansh Raj, (19) Shri Niwas, (20) Ram Bakhsh, (21) Jagat Pal, (22) Ram Kripal, (23) Ram Magane, (24) Sher Singh, (25) Sugan Chand, (26) Bhagi Nath.

On receipt of the order of reference, notices were issued to the parties. The parties appeared, and filed their pleadings. On the pleadings of the parties, the following issues were framed on 16th December, 1977.

Whether the workers whose names are given below, were locked out or whether they absented themselves from duty in the factory ?

- (2) If it was lock out, whether the lock out justified or not.
- (3) If the lock out was not justified to what relief the workmen are entitled?

Names of the workmen.—(1) Charau, (2) Mewa Lal, (3) Ram Dhiraj, (4) Ram Vichar, (5) Arjan Singh, (6) Ram Singh, (7) Ram Avadh, (8) Hosla Prashad, (9) Ram Khelapan, (10) Ram Karan, (11) Gobind, (12) Sudershan Kumar, (13) Ram Parshad Pal, (14) Chhedi Lal Pal, (15) Ram Ishlok, (16) Shiv Sagar, (17) Sukhdev, (18) Vansh Raj, (19) Shri Niwas, (20) Ram Dali, (21) Jagat Pal, (22) Ram Kripal, (23) Ram Magane, (24) Sher Singh, (25) Sugan Chand, (26) Bhagi Rattan.

The case was fixed for the evidence of the workmen. The workmen examined Shri Sudershan Kumar W.W. 1 and Shri Ram Balak W.W. 2. The representative for the workmen tendered for cross-examination Shri Garo as witness as W. W. 3 and closed his case. The workman also tendered in evidence some documents Exhibit W-1 to W-4 and closed their case.

Then the case was fixed for the evidence of the management. The representative for the management prayed for adjournment as he had stated that he had joined the management on new appointment about 8/10 days back. Adjournment was granted and the case was fixed for the evidence of the management on 8th August, 1978. On 8th August, 1978 none appeared for the management,—*vide* my order dated 9th June, 1978 when adjournment was granted to the management, it was directed that no other adjournment shall be granted to them. On 8th August, 1978 none appeared for the management nor their evidence was present. Then the evidence of the management was closed and it was proceeded *ex-parte* against the management. The workmen had already closed their evidence. Therefore, the case was fixed for arguments by the workmen. Arguments were heard. There is un-rebutted evidence of the workmen that they did not absent and it was illegal lock out by the management on account of trade union activities of the workmen. I now give my findings issuewise.

Issue No. 1.—I believe the statement of W. W. 1 and W. W. 2 who have been cross examined by the management and the management did not lead any evidence rebutting their evidence. Both the witnesses have stated that lock out was illegal and the management resorted to it on account of trade union activities of the workmen in order to victimise them. I, therefore, decide this issue in favour of the workmen.

Issue No. 2.—There is un-rebutted evidence of the workmen that the lock out was not justified and was illegal and the management resorted to it in order to victimise the workmen for their trade union activities. I, therefore, decide issue No. 2 that the lock out was not justified.

Issue No. 3.—When I have decided that the lock out was not justified, the workmen are entitled to reinstatement with continuity of service and with full back wages.

While answering this reference, I give my award.

- (1) That the workmen whose names are given above were locked out and they did not absent themselves.

(2) That it was locked out and the lock out was not justified.

(3) That the workmen named above as given in the order of reference are entitled to reinstatement with continuity of service and with full back wages.

NATHU RAM SHARMA,

Dated 9th October, 1978.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endst. No. 917 dated 12th October, 1978

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11(112)-3 Lab-78/9397.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No XLV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s. Diwan Shah and Sons (P) Ltd., Jagadhri :—

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, HARYANA, FARIDABAD

Reference No. 44/78

between

THE WORKMAN AND THE MANAGEMENT OF M'S DIWAN SHAH & SONS (P) LTD;
JAGADHRI.

Present:—

Shri Surinder Kumar, for the workmen.

Shri Subhash Chander, for the management.

AWARD

By order No. ID/AMB/516-77/6889, dated 14th February, 1978, the Governor of Haryana referred the following dispute between the management of M/s. Diwan Shah & Sons (P) Ltd; Jagadhri and its workman to this Tribunal for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

- (1) Whether the workmen are entitled to grant of bonus for the years 1974-75 and 1975-76? If so, with what details ?
- (2) Whether the workmen are entitled to any residential accommodation or an allowance in lieu thereof? If so, with what details?
- (3) Whether the workmen are entitled to any increase in their wages? If so, with what details ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared. It was at this stage the settlement was arrived at between the parties. The representative for the management stated that the Management had paid Rs. 60 to each of their workmen as *ex-gratia* is payment for the year 1975-76 which they shall not take back from the workmen. The management have already paid bonus for the year 1974-75 to their workmen. The management further agreed to pay the workmen as per the increase price index. If some amount has remained due to some workmen as per increase in price index, the management shall pay to him.

The representative for the workmen agreed to the statement given by the representative for the management. The representative for the workmen withdrew the other two disputes Nos. 2 and 3 as in the reference regarding residential accommodation or allowance in lieu thereof and increase in wages. I, therefore, answer the reference and give my award that the workmen are not entitled to receive bonus for the years 1974-75 and 1975-76. They have already received bonus for the year 1974-75 and they have received Rs. 60 per workman as *ex gratia* payment for the year 1975-76.

As regards dispute No. 2, the workmen are not entitled to residential accommodation or any allowance in lieu thereof as they have withdrawn this demand.

Dispute No. 3.-

The workmen are entitled to increase in their wages as per increase in price index.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated the 9th October, 1978.

No. 918, dated 12th October, 1978.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 9th November, 1978

No. 11(112)-3Lab-73/9601.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court Rohtak in respect of the dispute between the workmen and the management of M/s. Hindustan Potteries, Bahadurgarh.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 45 of 1976

between

SHRI SHIV NATH WORKMAN AND THE MANAGEMENT OF M/S. HINDUSTAN POTTERIES, BAHADURGARH.

AWARD

By order No. ID/RK/244-D-75/20347, dated 15th June, 1976, the Governor of Haryana referred the following disputes between the management of M/s Hindustan Potteries Bahadurgarh and its workman Shri Shiv Nath to this Court, for adjudication, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

“Whether the termination of services of Shri Shiv Nath was justified and in order? If not, to what relief is he entitled?”

On receipt of the order of reference notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties the following issues were framed on 3rd May, 1978 :—

1. Whether the workman concerned lost his lien on the job under Certified Standing Orders of the management, as a result of his long continued absence from duty?
2. Whether the termination of services of Shri Shiv Nath was justified and in order? If not, to what relief is he entitled?

The case was fixed for the evidence of the management. The management examined Shri Moti Lal their Managar as MW-1 and closed their case. Than the case was fixed for the evidence of the workman. The workman obtained for adjurnments but led no evidence and on the last date of hearing neither the workman, appeared nor his representative nor any evidence of the workman was present. In these circumstances the evidence of the management was and arguments of the management were heard. I, now give my findings issues-wise.

Is sue No 1.—M W-1 stated that the workman absented himself from duty on 27th May, 1974. The management sent him a notice, dated 28th May, 1974, asking the workman to explain his absence. The management again sent him notice on the next date that was also received by the workman. Than again another notice was sent by registered A. D. on 25th June, 1974. Again the management sent him registered letter dated 8th August, 1974. The management also produced the conciliation proceedings. The workman did not report for duty for such a continued long period. Than the management struck off his name from their rolls on 8th August, 1974. I, belive the statement of M W-1. Moreover documentary evidence Exhibit. M-1 receipt signed by the workman and Exhibit. M-2 receipt signed by the workman and Exhibit. M-3 to M-6 are on the file which go to prove that the workman did not report for duty for such a continues long period. The management is not at fault when waiting for such a long time they struck off the name of the workman from their rolls. They management have also produced a copy of their Standing Orders Ex. M—7. Sub-clause H of clause 11 entitled the management to deem the workman as having left his service if the workman absents for 7 days in case of permanent workman and if the workman dose not present on 8th day and does not explain the reasons of his absence to the satisfaction of the Manager. The workman did not report for duty on the 8th day, rather he remained absent for a very long period of more than two months. I, therefore, decide issue No. 1 in favour of the management.

Issue No. 2.—When issue No. 1 has been decided in favour of the management, the question of decision on issue No. 2 dose not arise. Issues No. 2 comes in play when issue No. 1 is not proved in favour of the management. As a result of my findings on the issues I answer the reference and give my award that the workman left his services by remaining absent for more than 2 months and the managment did not terminate his services. The workman is not entitled to any relief.

NATHU RAM SHARMA,

Dated the 27th September, 1978.

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 2828, dated the 23rd October, 1978

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act,

NATHU RAM SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

G. V. GUPTA, Secy.